

## REQUEST FOR APPROVAL

**To:** Scott Smithline  
Director

**From:** John Sitts  
Environmental Program Manager, Policy Development and Analysis Office,  
Knowledge Integration Section

**Request Date:** May 2, 2017

**Decision Subject:** Approval to Formally Notice Proposed Diversion and Disposal Reporting System Regulations

**Action By:** May 16, 2017

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**Summary of Request:**

Staff requests approval to begin the formal rulemaking process and formally notice the Proposed Diversion and Disposal Reporting System Regulations.

**Recommendation:**

Staff recommends approval of the Proposed Regulations for Diversion and Disposal Reporting System so that the regulations may be submitted to the Office of Administrative Law (OAL) to initiate the formal rulemaking process under the California Administrative Procedures Act.

**Action:**

On the basis of the information and analysis in this Request for Approval, I hereby approve the Proposed Regulations for Recycling and Disposal Facility Reporting and direct staff to submit the regulatory packet to the Office of Administrative Law to initiate the formal rulemaking process under the California Administrative Procedures Act.

**Dated:** \_\_\_\_\_

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**Scott Smithline, Director**

## **Attachments:**

### **1. Proposed Regulations for Diversion and Disposal Reporting System**

- a. Replaced regulatory language.....pages 01 – 60**
- b. Proposed new language.....pages 61 – 80**
- c. Additional changes in CCR.....pages 81 -109**

## **Background Information,**

Chapter 746, statutes of 2015 (Assembly Bill 901, Gordon) dramatically improves the Department's and local jurisdictions' ability to achieve and measure legislatively mandated tasks by expanding reporting to include reporting on recycling and composting and creating an enforcement mechanism. The proposed regulations implement the mandates of AB 901 in order to accomplish three important goals. First, the proposed regulations will facilitate collection of data required by AB 901 in order to inform CalRecycle's understanding of material flows within the State's disposal, composting and recycling infrastructure; allow CalRecycle to better estimate total recycling and composting; and assist CalRecycle to track progress towards several state goals and programs, including the 75% recycling goal, mandatory commercial recycling, and organics diversion programs. This information will allow CalRecycle to implement various improvements in areas such as increased responsiveness to changes in the recycling landscape, operational efficiencies, and targeting of state resources to recycling infrastructure. Second, the regulations detail procedures for implementing the Department's enforcement authority, which was created by AB 901 to ensure accurate reporting. Third, the proposed regulations will provide additional tools to enhance and expand the ability of local jurisdictions and the Department to ensure the accuracy of reported information.

The proposed regulations will also enhance the Department's ability to comply with other mandates regarding solid waste and recycling in the state, including mandatory commercial recycling (California Global Warming Solutions Act, AB 32, Nunez, Chapter 488, Statutes of 2006), mandatory commercial organics recycling (AB 1826, Chesbro, Chapter 727, Statutes of 2014), and short-lived climate pollutants reductions from landfills (SB 1383, Lara, Chapter 395, Statutes of 2016).

Staff held nine workshops from April 2016 to December 2016 to obtain stakeholder input on regulatory issues. Workshops were webcast to allow participation of stakeholders not able to attend in person. Staff developed initial draft regulatory text in June 2016. Based on stakeholder input at workshops and written comments, a second draft of the regulations was released in November 2016, and third draft in February 2017. Stakeholder input was also obtained through surveys conducted in January 2017.

## **Analysis and Findings**

Staff completed revisions to proposed regulations based on stakeholder comments in April 2017. Staff have determined that the attached proposed draft regulations are ready for the start of the formal rulemaking process and recommends the submittal of the Proposed Regulations for Recycling and Disposal Facility Reporting to the Office of Administrative Law.

Staff anticipate adoption of final regulations by mid-2018. Development of the Diversion and Disposal Reporting System (DDRS) will continue through 2017 and early 2018. By mid to late 2018 staff anticipate database testing and stakeholder training to begin, with the first official DDRS reports to be submitted for the first quarter of 2019.